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MEETING AT THE FEDERAL TRADE COMMISSION - MAY 1, 1968 ~~FILE~~  
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Attendees: Paul Rand Dixon, Chairman  
Philip Elman  
A. Everette MacIntyre  
Mary Gardiner Jones  
James M. Nicholson  
Fred Irish  
Harold Pillsbury  
and other FTC Staff Members  
  
Earle C. Clements  
F. E. Resnik

Mr. Clements and I attended a meeting at the FTC with the full Commission and the staff responsible for the FTC smoking laboratory. The purpose of the meeting was that the Commission was interested in obtaining an opinion from Mr. Clements as to whether the Tobacco Institute testing laboratory could be utilized, in cooperation with the FTC laboratory, in the analysis of the tar and nicotine contents of all the cigarette brands in the market place. It was the Commission's desire to continue the present FTC methodology, namely, the smoking of cigarettes to a 23 mm butt length. The Commission intends to pick up all brands simultaneously from the market place and analyze these brands twice a year. It is their intention to comply with the recommendation of the industry that 200 cigarettes be smoked for each brand. They feel their laboratory cannot handle this large smoking load, and it is for this reason that they are requesting that the industry undertake this task jointly with them. The

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Commission stated that the brands would be obtained through the Western Union, as in the past. It was the expressed view that the industry laboratory smoke 100 cigarettes of each brand and that the FTC laboratory smoke 100 cigarettes. Then the two laboratories, provided these figures appeared to be close, would average the two sets of data. If they were not close then they would want to see what was wrong that caused them not to be close, and even though it was not stated, some of the members recognized that there would be 16 cigarettes left in each package for further testing.

A single FTC report would be issued containing the average figures obtained in both laboratories. We emphasized that valid analytical results could be obtained by using average figures from the two laboratories, provided the two laboratories were calibrated beforehand using a monitor cigarette

During the discussion it was emphasized that if an agreement is reached, both laboratories must smoke all brands of cigarettes and that there must be freedom of communication between the scientists at both laboratories involving the methodology used, the results of the monitor cigarettes, and the results of all cigarettes obtained in each pick-up.

During the session several points of concern were discussed by the various Commissioners. Commissioner Nicholson requested that the industry agree to the FTC methodology and that the member

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companies in the industry no longer publish any results other than those determined at a 23 mm butt length. The Commission was concerned that tar figures other than those determined at a 23 mm butt length would be used in advertising by various cigarette companies. It was pointed out by Chairman Dixon that a tobacco company could smoke cigarettes to a butt length other than a 23 mm butt length and state that these figures were truly representative of the tar content of the cigarette brand at a 30 mm butt length as advocated by the industry. Mr. Clements emphasized that if this ever happens, it will happen in an area where the FTC has policing authority. He further emphasized that the industry's position was that cigarettes should be smoked to the average butt length, 30 mm, and that the industry would continue to smoke cigarettes to this butt length and retain these data. Mr. Clements clearly pointed out that there are many opportunities to release these figures at Congressional hearings when a Congressman inquires whether cigarettes were smoked to butt lengths other than 23 mm under the same methodology.

It was evident in the discussion that Commissioner Nicholson was a strong advocate of smoking to a 23 mm butt length. Chairman Dixon strongly supported Mr. Clements' position of a 30 mm butt length; however, it was quite evident that this subject had been thoroughly discussed and concluded that the FTC methodology was established at a 23 mm butt length, by a three to two vote.

It was stated that the Western Union is prepared to make the third cigarette pick-up commencing May 12. It is the desire of the FTC to have an opinion from the Tobacco Institute as to whether the industry is willing to agree to a joint venture in the analysis of tar and nicotine in all brands in the market place prior to that date.

Chairman Dixon opposed the supplying of any of the samples picked up by Western Union to any company independently, including members of the testing laboratory, for their independent analysis.

Mr. Clements stated that even though the industry may be willing to enter into such an agreement for the testing of cigarettes, we will advocate what we believe to be true, that tar and nicotine figures have no relevance in the smoking and health controversy. He emphasized that our only desire is to be certain that if tar and nicotine figures must be published that they be accurate.

In summary, the FTC desires a decision from the Tobacco Institute as to whether they would enter into a joint agreement to test all cigarette brands using both the industry and the FTC laboratories for these determinations. The plan is to test all cigarette brands in the market place picked up simultaneously by the Western Union and to smoke 100 cigarettes at the industry testing laboratory and 100 cigarettes at the FTC laboratory. These results would then be averaged as a single value for each brand

and reported by the FTC. It was emphasized that both laboratories would be required to use the FTC methodology, namely, smoking to a 23 mm butt length. Commissioner Nicholson advocated that a part of the agreement include that the industry would not publish 30 mm butt data. Mr. Clements stated that if agreement was made, he would advocate the industry also smoke cigarettes to a 30 mm butt length and retain such data. The FTC wants a decision from the Tobacco Institute as soon as possible and would prefer to make a joint announcement prior to May 12.

*J. E. Resnik 5/2/68*

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